

Item No. N/A	Classification: Open	Date: 13 June 2023	Decision Taker: Cabinet Member for Climate Emergency, Clean Air & Streets
Report title:		Old Kent Road controlled parking - Determination of objections	
Ward(s) or groups affected:		Old Kent Road, Peckham	
From:		Head of Highways	

RECOMMENDATION(S)

That the Cabinet Member for Climate Emergency, Clean Air & Streets

1. Considers the 91 representations received as summarised in Table One, during the statutory consultation for 'TMO2223-037 CPZ OKR' relating to the proposal to introduce a new parking zone in the Old Kent Road area, which includes permit parking bays and double yellow lines.
2. Considers and determines each objection and comment as per the table prepared by officers in Appendix 1 and notes the comments made online in Appendix 2.
3. Instructs officers to write to each person who made representations to inform them of the Council's decision.
4. Instructs officers to make the existing Traffic Management Order(s) (TMO) to proceed with the proposal to implement a new Controlled Parking Zone (CPZ) operating from Monday to Friday from 8.30 am to 6.30 pm.
5. Notes the scheme supports the council's Streets for People aspirations

BACKGROUND INFORMATION

6. In June 2022, the Cabinet Member for Leisure, Parks, Streets and Clean Air:
 - i. Approved the implementation of a new CPZ in the Old Kent Road area, operating from Monday to Friday from 8.30am to 6.30pm, subject to the outcome of any necessary statutory procedures.
 - ii. Noted that a further report will be brought to the Cabinet Member should there be any statutory objections to the traffic management order required to implement the new CPZ.

- iii. Approved the position and type of parking bays and restrictions for the new CPZ and surrounding streets as shown in the outline design save for any amendments which may be required at the implementation stage, which may be determined by officers.
7. This report makes recommendations for the determination of a number of objections that relate to TMO(s) published proposing new parking restrictions across the Old Kent Road area.
8. A total of 96 representations were received during the statutory consultation, which ran from 9-30 March 2023. Five representations were removed as they were duplicates from the same email account resulting in a total of 91 representations to be considered. 79 were classified as objections or part objections, 10 were classified as support or part support, and 2 were making a comment and neither demonstrated support or objection.
9. At the start of the statutory period, notice was given in the London Gazette, local press (Southwark News) and street notices were placed in the affected area.
10. Notice was also given to statutory and non-statutory consultees including: Transport for London, Southwark Disablement Association, Southwark Disability Forum, Southwark Cyclists, Living Streets and London Travel Watch.
11. Full details of the proposal were also made available for inspection on the council's website or in person by appointment at 160 Tooley Street.
12. Meetings were held during the consultation with a representative of the businesses in the Old Kent Road area, and also another meeting with one of the businesses. The concerns of the businesses are noted in Appendix 2. Some of the parking bay design proposals near to the businesses will be modified to better suit the needs and requirements of the businesses where possible as a result of these discussions.
13. The changes include the addition of loading bays, shortening of bays to improve access for large vehicles and the addition of double yellow lines to also facilitate loading and unloading. The redesigns have been sent to concerned businesses and we have received a positive response back.

KEY ISSUES FOR CONSIDERATION

14. A total of 96 pieces of correspondence were received as a result of the statutory consultation. This includes 91 individual representations. Five duplicate responses were removed.
15. Appendix 1 gives a breakdown of all objections and the officer response to each objection.

16. Appendix 2 shows a redacted version of each representation.
17. Each piece of correspondence received during statutory consultation was responded to with an acknowledgement email/letter.
18. It should be noted that some responses contained more than one reason for objection.

- Table One, summary of responses

Object	79	87%
Support	10	11%
Information	2	2%
Total	91	

19. Representations were made in a number of ways, this can be seen in Table Two below;

- i. Table Two, method of representation

Appyway	84
Email	6
Online	1
Total	91

20. It can be seen in Table Three below that the majority of people who made a representation identified themselves as residents.

- i. Table Three, category of individual of making representation

Resident	64
Business	19
Visitor	4
Other	4
Total	91

21. Below is a summary of the main comments from the objectors:

- i. The cost of permits and the financial crisis putting strain on individuals and families
 - ii. No parking issues or do not live near a station therefore no parking pressure on the road
 - iii. The operational hours are too long
 - iv. The operational hours are too short
 - v. The informal consultation had a low response rate so how can the Council introduce a permit scheme on so few responses
 - vi. The need for care and social workers to park
 - vii. The need for parking for family and trades people
 - viii. Displacement into roads not within the parking zone, which currently do not have a parking issue
 - ix. Business permit costs and limit on number of permits

- x. No visitor vouchers on offer for businesses
 - xi. Lack of good public transport options nearby
 - xii. Lack of consultation
 - xiii. New dwellings being built should have more parking provisions
22. Although there were greater number of objections than support for the scheme, officers recommend progressing with the proposals to implement a controlled parking zone in the Old Kent Road area because a CPZ offers an opportunity to rebalance the road space in an area where the majority of people (60.3%) in the borough do not own cars. While there are not necessarily parking issues in all roads at the moment, this proposal protects against the impact of upcoming developments and prioritises space for residents and businesses, as well as supporting our Streets for People approach and Council Delivery Plan to make this a borough for people and not their cars.
23. Each individual objection has been duly considered and a comprehensive response provided as set out in Appendix 1. It is not considered that any of the points made in the objections warrant a change or amendment to the original proposals.

Policy framework implications

24. The recommendations contained within this report are consistent with the missions of the Movement Plan 2019 (approved by Cabinet in April 2019 detailed in background documents) particularly:
- i. M2 Action 2 – Create simple and clear streets
 - ii. M3 Action 4 – Deliver infrastructure to support active travel
 - iii. M4 Action 7 – Reduce the number of cars owned in the borough
 - iv. M4 Action 8 – Use kerbside efficiently and promote less polluting vehicles
 - v. M4 Action 9 – Manage traffic to reduce the demand on our streets
 - vi. M7 Action 15 – Reduced exposure to air pollution
 - vii. M7 Action 16 – Zero people killed or injured on our streets by 2041
25. The recommendations fully support and align with the council’s Streets for People strategy, which outlines the council’s ongoing commitment to, and ambition for, healthier neighbourhoods, cleaner air, thriving town centres and safer roads.

Community, equalities (including socio-economic) and health impacts

Community impact statement

26. The recommendations are locally based and therefore will have greatest effect upon those people living, working or travelling in the vicinity of the areas where the scheme is being implemented.
27. The scheme will be monitored and reviewed after implementation and

from feedback the scheme will be further refined to better suit the needs of the area if necessary.

28. The introduction of the scheme may have an impact on those people who are visiting places of worship during operational hours of the zone. The scheme does not discriminate against those people who follow a particular faith, but as the scheme is to operate Monday to Friday it may mean that those who want to attend a place of worship within the zone by car may have to pay to park. The scheme is not preventing worshippers from using a car, but having to pay for parking may mean that more sustainable modes of transport are sought.
29. With the exception of those benefits and risks identified the recommendations are not considered to have a disproportionate effect on any particular protected characteristic.

Equalities (including socio-economic) impact statement

30. The proposals are not considered to have any adverse effect on socio-economic or health equalities. Safety for pedestrians and in particular vulnerable users such as the elderly and disabled persons will be greatly assisted with clearer locations where parking is permitted and also see where it is safer to cross the road.
31. Blue badge holders will not be able to park in permit bays, but can do so on double yellow lines and shared use and pay by phone bays, with limitation. The provisions for blue badge holders can be found on the council's website.
32. There are permits available for Social workers and carers, which will allow them to park in the area so that they can carry out their responsibilities in the proposed permit zone.
33. People visiting and living in the zone will have to pay to park during prescribed hours, this may be for resident parking permits, visitor vouchers or pay by phone parking. This may impact those people on lower incomes. People that are on low incomes that rely on private cars and are from outside the zone will have to purchase visitor vouchers or use Pay By Phone (PBP) facilities. The cost of car ownership in London is high and non-car ownership may represent a saving for some households. However, the scheme does not operate on private estates, which will either remain as free parking or will be subject to their own private parking schemes.

Health impact statement

34. The proposals support the council's mission to use the kerbside efficiently and promote less polluting vehicles, manage traffic to reduce demand on our streets and reduce exposure to air pollution by reducing the convenience of using a car in Southwark.

Climate change implications

35. The report has considered how the proposed measures impact on climate change. The measures support the aims of the council's Climate Change Strategy under Priority 2 – Active and Sustainable Travel.
36. Key aims of the council's Climate Change Strategy include to 'reduce car journeys to a minimum by 2030' and to 'be a borough where walking and cycling becomes the default way to get around'. Part of meeting the borough's ambition of net zero emissions by 2030 includes a reduction in vehicle km's travelled and a shift to active and public transport; road transport currently accounts for 15% of the borough's emissions. These measures strongly support that ambition by creating an area where walking and cycling are prioritised and motor vehicle usage is discouraged.
37. A just and inclusive transition is at the heart of the council's emerging climate policy. These proposals prioritise the movement of people first and foremost, while retaining vehicle access for those who require it. In delivering a safer and more equitable highway network, the measures are in accordance with the council's approach to addressing the climate emergency.

Resource implications

38. All resource implications will be contained within the existing Highways structure.

Legal Implications

39. Should the Cabinet Member approve the recommendations set out at paragraph 1-5 of the report, the council will need to make the existing TMO's under the powers contained within the Road Traffic Regulation Act 1984 Act ("RTRA 1984").
40. Before making a TMO the council must carry out notification and consultation procedures in accordance with the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("1996 Regulations"). The council has completed these procedures, see paragraphs 4-8 this report.
41. The council must also consider all objections before making the TMO(s) and where it does not "wholly accede" to an objection, they must provide reasons for this in its notification of the making of an order to any person that has objected (regulation 13 and 17(3) 1996 Regulations). This is part of the recommendation, in para 1(iii) of this report.
42. Any objections the council receives must be properly considered in light of administrative law principles, Human Rights law and relevant statutory powers.

43. The council shall, within 14 days of making the TMO, publish in the London Gazette and a newspaper circulating in the area in which any road or place to which the order relates is situated, a notice:
- (i) stating that the order has been made; and
 - (ii) containing the particulars specified in Parts I and III of Schedule 1 of the 1996 Regulations
44. A TMO shall only come into force once the council has published the notice, referred to in paragraph 43 above, which confirms the order has been made.
45. After the TMO(s) are made the council must ensure proper signage is implemented in the vicinity in accordance with Regulation 18 of the 1996 Regulations.

Financial Implication

46. The implementation cost of this scheme is approximately £207,000 and will be met from the parking revenue budget.

Timeframes

47. Should the decision be taken that the proposals are to be implemented, we will be looking to 'make' the traffic order in July to come in to effect in August 2023. Work is planned to start in August and the scheme is planned to go live in January 2024.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive – Governance and Assurance

48. The Cabinet Member for Climate Emergency, Clean Air & Streets is asked to approve the recommendation to implement an extension to controlled parking zone 'OKR' (CPZ) in the Old Kent Road area by way of making TMO(s). Implementation of the Proposal will require one or more TMO(s) made in accordance with the procedure prescribed by the RTRA 1984 and the 1996 Regulations.
49. Should the Cabinet Member be satisfied with the contents of this report then they have the authority to make the decision recommended at paragraphs 1-5 pursuant to paragraphs 22 and 23, Part 3D of the council's Constitution.
50. The Human Rights Act 1998 imposes a duty on the council as a public authority to apply the European Convention on Human Rights; as a result the council must not act in a way which is incompatible with these rights. The most important rights for highway and planning purposes are Article 8 (respect for homes); Article 6 (natural justice) and Article 1 of the First

Protocol (peaceful enjoyment of property). The implementation of these proposals is not anticipated to engage or breach the provisions of the Human Rights Act 1998.

51. The council has a duty, pursuant to section 149 of the Equality Act 2010, to have due regard in the exercise of its functions to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics include age, sex, disability, pregnancy and maternity. Officers have considered the public sector equality duty as set out in paragraphs 22 to 29 of this report and have concluded that at this time the proposals will have no detrimental impacts on a particular protected group or on the equality of opportunity under the Equality Act 2010.
52. Council Assembly on 14 July 2021 approved a change to the constitution to confirm that all decisions made by the council will consider the climate and equality (including socio-economic disadvantage and health inequality) consequences of taking that decision. This has been considered between paragraphs 30 and 32 above.

Strategic Director of Finance (ENG23/014)

53. The report is requesting the Cabinet Member for Climate Emergency, Clean Air & Streets approves a number of recommendations detailed in paragraphs 1-5 pertaining to the implementation of the CPZ in the Old Kent Road area.
54. The strategic director of finance notes that the estimated costs associated with this scheme is £207,000 and there is sufficient funding from existing Highways capital and revenue budgets to fund these proposals.
55. Staffing and any other costs connected with these recommendations to be contained within existing departmental revenue and capital budget.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Movement Plan 2019	Southwark Council Environment and Leisure Highways 160 Tooley Street London SE1 2QH	Joanna Redshaw Jo.redshaw@southwark.gov.uk
http://moderngov.southwark.gov.uk/ieDecisionDetails.aspx?ID=6809		

Climate Change Strategy	Southwark Council Environment and Leisure Highways 160 Tooley Street London SE1 2QH	Chris Page 020 7525 7259
https://www.southwark.gov.uk/environment/climate-emergency?chapter=3		
Old Kent Road Parking Zone	Southwark Council Environment and Leisure Highways 160 Tooley Street London SE1 2QH	Head of Highways
https://moderngov.southwark.gov.uk/documents/s107370/Report.pdf		

APPENDICES

No.	Title
Appendix 1	Officer response to objections
Appendix 2	Redacted objections

AUDIT TRAIL

Lead Officer	Dale Foden, Head of Highways	
Report Author	Gurch Durhailay, Parking Project Manager	
Version	Final	
Dated	19 May 2023	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Strategic Director of Finance	Yes	Yes
Research and Policy Officer	Yes	Yes
Cabinet Member	Yes	No
Date final report sent to Constitutional Team	9 June 2023	